

Commissioner for Patents  
Response dated October 19, 2004  
Response to Office Action dated July 19, 2004  
Page 4 of 5

Serial: 09/498234  
Art Unit: 2654  
Examiner: A. Armstrong  
Docket No. AUS990879US1

### **REMARKS/ARGUMENTS**

Claims 1, 2, 4-8, 15, and 18-21 were presented and examined. The Examiner rejected claims 1, 2, 4-6, 15, and 18-21 35 USC § 103(a), as being unpatentable over Wilcox (U.S. Patent No. 5,199,077) in view of Boman et al. (U.S. Patent No. 6,480,819), in further view of Lee (U.S. Patent No. 6,067,520). Claims 7 and 8 were rejected under 35 USC § 103(a), as being unpatentable over Wilcox in view of Boman et al. and Lee, and further in view of well known prior art. In this response, no amendments are presented. Claims 1, 2, 4-8, 15, and 18-21 remain pending.

#### **Claim rejections under 35 USC § 103(a)**

The Examiner rejected claims 1, 2, 4-6, 15, and 18-21 35 USC § 103(a), as being unpatentable over Wilcox (U.S. Patent No. 5,199,077) in view of Boman et al. (U.S. Patent No. 6,480,819), in further view of Lee (U.S. Patent No. 6,067,520). In response to the Section 103(a) rejection of independent claims 1 and 15, Applicant has submitted herewith a document entitled *Affidavit Under 37 CFR 1.131* (the 131 Affidavit). In the 131 Affidavit, the inventors declare that they disclosed an invention for converting a text-based input to a corresponding diphthong sequence, converting audio content on a storage device to a diphthong sequence, and comparing the two diphthong sequences. The Affidavit is supported by an invention disclosure, which has been submitted with the Affidavit.

Applicant would respectfully submit that the Affidavit and the supporting invention disclosure evidence Applicant's reduction to practice of the invention prior to the effective date of the Boman reference.<sup>1</sup> Applicant would, therefore, respectfully request the Examiner to withdraw the Boman reference as prior art. Because the Section 103(a) rejection of the pending independent claims relies on Boman, Applicant would further request the Examiner to withdraw the Section 103(a) rejection of the independent claims and all claims depending thereon.

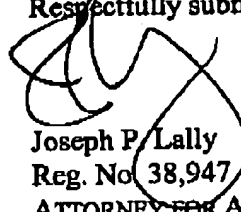
<sup>1</sup> Alternatively, the Affidavit and the invention disclosure evidence Applicant's conception of the invention prior to the effective date of the Boman reference and Applicant's subsequent diligence in reducing the invention to practice through the filing of the present patent application.

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Page 5 of 5

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In this response, Applicant has addressed the Examiner's claim rejections under 35 USC § 103(a). Accordingly, Applicant believes that this response constitutes a complete response to each of the issues raised in the office action. In light of the amendments made herein and the accompanying remarks, Applicant believes that the pending claims are in condition for allowance. Accordingly, Applicant would request the Examiner to withdraw the rejections, allow the pending claims, and advance the application to issue. If the Examiner has any questions, comments, or suggestions, the undersigned attorney would welcome and encourage a telephone conference at 512.428.9872.

Respectfully submitted,



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